

MEMO ENDORSED**C A D W A L A D E R**

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March 12, 2013

VIA E-MAIL

The Honorable Alison J. Nathan
 United States District Court
 Southern District of New York
 500 Pearl Street, Room 615
 New York, NY 10007

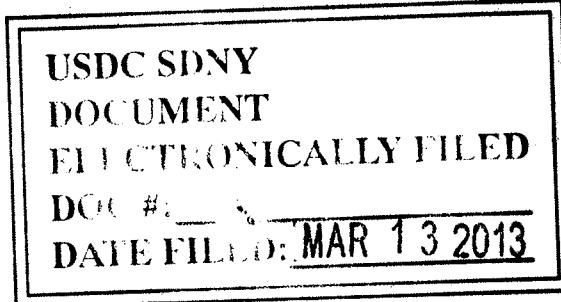
Re: *Wells Fargo Bank, N.A. v. Bank of America, N.A.*, No. 12-cv-9170

Dear Judge Nathan:

We represent Defendant Bank of America, N.A. (“Bank of America”), successor by merger to LaSalle Bank National Association, in the above-referenced action, and write with the consent of Plaintiff, Wells Fargo Bank N.A. (“Wells” or “Plaintiff”), Trustee for the Certificateholders of Commercial Mortgage Pass-Through Certificates, Series 2006-MF4 (“MF4”), acting by and through Midland Loans Services, for adjustment of the schedule for the briefing of the motion to dismiss the amended complaint in this action (“Motion To Dismiss”) and of the page limits for such briefing. The parties have conferred and agreed to these extensions. This is the first request regarding these extensions.

On January 30, 2013, Bank of America filed a motion to dismiss the complaint filed by Plaintiff in the above-captioned action. Pursuant to this Court’s Individual Practices In Civil Cases (“Individual Rules”) 3.F., Plaintiff thereafter indicated that it would amend its complaint, and filed the amended complaint on February 28, 2013 (“Amended Complaint”) [Dkt. #35]. Under Federal Rules of Civil Procedure 15(a)(3) and 6(d), Bank of America’s response to the Amended Complaint is due on March 18, 2013. Bank of America intends to file its Motion To Dismiss, but due to additional allegations raised in the Amended Complaint concerning a fundamental aspect of the contract dispute between the parties, Bank of America respectfully requests an additional ten (10) days to file the Motion To Dismiss, on or before March 28, 2013. For the same reason, Bank of America respectfully requests leave to file a moving brief of 35 pages in support of its Motion To Dismiss.

If the Court grants Bank of America’s request for a ten (10) day extension of the deadline by which to file its Motion To Dismiss, Plaintiff respectfully seeks (with Bank of America’s consent) a comparable extension of the deadline by which Plaintiff must respond to the Motion To Dismiss under Local Rule 6.1 and Federal Rules of Civil Procedure 6, so that it

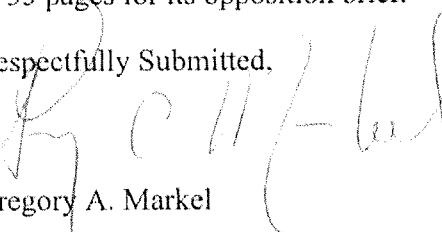


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would have until April 18, 2013 to file its opposition. Similarly, if the Court grants leave to Bank of America to file a moving brief of 35 pages, Plaintiff requests that it also be granted up to 35 pages for its opposition brief.

Respectfully Submitted,

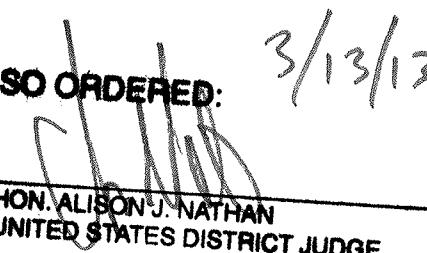

Gregory A. Markel

cc: All Counsel of Record (by e-mail)

In light of Defendant's representation that it intends to file a motion to dismiss the Amended Complaint, it is hereby ordered that Defendant's previously filed motion to dismiss the original complaint, Dkt. # 28, is administratively denied.

Furthermore, the parties' request for an extension of the briefing schedule is granted. Defendant shall file ~~its~~ motion on or before 3/28/13 and Plaintiff shall file its opposition on or before 4/18/13.

Finally, the parties' request for an extension of the page limit for both the motion and the opposition is granted.


SO ORDERED: 3/13/13
HON. ALISON J. NATHAN
UNITED STATES DISTRICT JUDGE